

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, continued to reject all claims 1-5. For at least the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Claim Rejection - 35 U.S.C §102

The Office Action rejected claims 1-4 under 35 U.S.C §102(b) as allegedly anticipated by Sato et al. (U.S. Patent 5,060,548). Applicant respectfully requests reconsideration and withdrawal of the rejections.

With respect to claim 1, claim 1 recites:

1. An apparatus for splitting a test piece, comprising:
a base with a centerline;
two pillars disposed on the base separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
a sliding piece disposed on the base slidable along the centerline, wherein the sliding piece has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(Emphasis added). Claim 1 patently defines over Sato for at least the reason that Sato fails to disclose the features emphasized above.

In the rejection of the claim 1, the Office Action asserts that Sato teaches or suggests all of characteristics in the claim 1. Applicant respectfully disagrees. In the claim 1, the sliding piece 22 is disposed on the base 21 **slidable** along the centerline 211. In the Sato, however, a gear casing 13 is supported rotatably and oscillatably in the hinge 9 by a hinge shaft 14 and pushed upwardly by a spring 15, and then a motor

16 is provided on the casing 13 to drive a circular saw blade 17 via a power transmission (referring to column 2, line 67 - column 3, line 5). That is, the saw blade 17 is driven to **rotate and oscillate** by the hinge 9, the hinge shaft 14, the spring 15, and the motor 16, **rather than to slide**, as claimed by claim 1.

Comparing the meaning of certain basic, relevant terms: “Rotate” means to turn around on an axis or center (<http://www.thefreedictionary.com/rotate>). “Oscillate” means to swing back and forth with a steady, uninterrupted rhythm (<http://www.thefreedictionary.com/oscillate>). “Slide” means to move over a surface while maintaining smooth continuous contact (<http://www.thefreedictionary.com/slide>).

Furthermore, the Office Action regarded the groove between members 21/22 of the cited reference 1 (shown in Fig. 10A but not labeled) as the centerline 211 of the claim 1. Applicant respectfully disagrees. As recited in claim 1, the sliding piece 22 is disposed on the base 21 slidable **along** the centerline 211. In Sato, however, the saw blade 17 (sliding piece) **does not slide along** the groove (centerline). Rather, the saw blade 17 rotates and oscillates to **pass through** the groove (centerline).

Furthermore, the Office Action regarded the blade guard 37 of the cited reference 1 as the fingers 222 of claim 1. Applicant respectfully disagrees, too. The two fingers 222 of the claim 1 are included in the sliding piece 22, while the blade guard 37 (fingers) of the cited reference 1 is not included in the saw blade 17 (sliding piece). The blade guard 37 (fingers) is fixed in a slot 44 (referring to column 5, line 31), rather than the saw blade 17 (sliding piece).

For at least the foregoing reasons, claim 1 patently defines over the teachings of Sato. Since claims 2-4 are dependent claims that incorporate the limitations of the

claim 1, these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

Claim Rejection - 35 U.S.C §103

The Office Action rejected claim 1 under 35 U.S.C §103(a) as allegedly unpatentable over Raizk et al. (U.S. Patent 3,157,235) in view of Borisov et al. (SU 197708). Applicant respectfully requests reconsideration of the rejections for at least the reasons that follow.

With respect to claim 1, claim 1 recites:

1. An apparatus for splitting a test piece, comprising:
a base with a centerline;
two pillars disposed on the base separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
a sliding piece disposed on the base slidable along the centerline,
wherein the sliding piece has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(Emphasis added). Claim 1 patently defines over the rejection for at least the reason that the cited references fail to disclose the features emphasized above.

As recited in the claim 1, a sliding piece 22 is disposed **on** the base 21. In Raizk, however, breaking tip 23 (sliding piece) is set **in the bottom of** the breaking bar 21 (as shown in Fig. 3) for vertically dropping toward the base 38, rather than **on** the base 38. Furthermore, the base 21 of the claim 1 has a centerline 211, but the base 38 of the cited reference 2 has no centerline.

Furthermore, the claim 1 recites two pillars 23 separated by the fixed first interval d1 and two fingers 222 separated by the second interval d2, wherein **the second interval d2 is smaller than the first interval d1**. In Borisov, however, **the second interval d2 of the elements 4 is greater than the first interval d1 of the element 2**.

For the above description, Examiner has not established a prima facie case of obviousness obviously. Whether taken alone or in combination, neither Raizk nor Borisov fail to teach or suggest all limitations of claim 1. Therefore, claim 1 is not obvious over combination of Raizk and Borisov. For at least these reasons, claim 1 patently defines over the cited references.

Sine claims 2-4 are dependent claims that incorporate the limitations of claim 1, these claims also are in condition for allowance. Additionally, these claims recite other limitations that can sever as an independent basis for patentability.

The Office Action further rejected claim 5 under 35 U.S.C §103(a) as allegedly unpatentable over Raizk in view of Borisov and in further view Applicant Admitted Prior Art (AAPA). Applicant respectfully traverses the rejection.

With respect to claim 5, claim 5 recites:

5. An operating method for the apparatus as claimed in claim 1, comprising the step of:
providing a test piece having a working surface with a target point;
forming two slits separated apart on the working surface and aligned with the target point in a predetermined line;
fixing the test piece on the base with the working surface contacting the pillars and the slits aligned with the centerline of the base;
moving the sliding piece, ***such that the fingers contacts the test piece***; and
pushing the sliding piece to split the test piece along the predetermined line by the fingers of the sliding piece and the pillars.

(*Emphasis added*). Claim 5 patentably defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

Clearly, the apparatus of the claim 1 differs from that of Raizk in both operation and function. In the claim 5, the sliding piece 22 has **two** fingers 222 abutting the test piece, thus evenly distributing the stress on the test piece. The breakage of the test piece is uniform. In Raizk, however, a **single** breaking tip (finger) 23 is used to break the scrap (test piece) 35. Thus, the scrap is susceptible to non-uniform breakage. Therefore, at least this feature of the claim 5 is distinctive and patentable over the cited references.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

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